

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 17-10131

HON. GEORGE CARAM STEEH

MAURICE JACKSON,

Defendant.

_____ /

ORDER DENYING PLAINTIFF'S MOTION
FOR ENTRY OF JUDGMENT (DOC. 14)

The Court granted plaintiff's motion for summary judgment on August 3, 2017. (Doc. 13). The Court did not enter a judgment on that date, however, because it did not have sufficient documentation to establish the amount of defendant's debt. Plaintiff was ordered to show cause to prove this amount by August 24, 2017. (Doc. 13 at PageID 53).

Plaintiff responded by filing a Motion for Entry of Judgment. (Doc. 14). This motion included the affidavit of Laura Bevan, a loan analyst with the Department of Education, who stated that defendant owes plaintiff \$3,933.01. (Doc. 14-1). This sum is based on \$3,477.50 in damages, \$55.51 in interest that accrued between January 16, 2017 and August 23,

2017, and \$400.00 in “costs and attorneys’ fees.” (Doc. 14-1 at PageID 59). The Court finds this information insufficient.

It appears that defendant has a principal loan balance of \$1,156.66.¹ (Doc. 7-3 at PageID 26). It is not clear how much interest has accrued on that balance. In a certificate of indebtedness dated January 22, 1998, \$524.58 in interest had purportedly accrued on the \$1,156.66 principal. It is not clear how much interest accrued between January 23, 1998 and January 16, 2017, when plaintiff filed its complaint. The Court, therefore, cannot determine that the principal and interest that accrued prior to the filing of the Complaint amount to the \$3,477.50 that plaintiff requests. Discrepancies in the affidavits of U.S. Department of Education loan analysts cause the Court to further question this figure. Here, plaintiff relies on Bevan’s affidavit stating that defendant is indebted in the amount of “\$3,477.50, together with interest from the date of filing the Complaint.” (Doc. 14-1 at PageID 59). But, in its Motion for Summary Judgment,

¹ Plaintiff has submitted several different figures regarding defendant’s principal. The Complaint lists defendant’s principal as \$1,156.66. (Doc. 1 at PageID 1). The Certificate of Indebtedness attached to the Complaint and plaintiff’s Motion for Summary Judgment also lists the principal as \$1,156.66. (Doc. 1 at PageID 3; Doc. 7-3 at PageID 26). Plaintiff does not list defendant’s principal in its Motion for Summary Judgment. (Doc. 7). It did, however, state that the loan disbursed in the amount of \$46,300.52. (Doc. 7 at PageID 17). Plaintiff’s reply brief acknowledged that its motion incorrectly overstated the amount of the loan. (Doc. 11 at PageID 36). Plaintiff then asserted that the correct amount, as set forth in the Certificate of Indebtedness, is \$2,625.00. (*Id.*). But the Certificate of Indebtedness does not include any figure in the amount of \$2,625.00. (Doc. 1 at PageID 3; Doc. 7-3 at PageID 26).

plaintiff relied on the affidavit of Christopher Bolander, which stated that defendant is indebted in the amount of “\$3,448.09, together with interest from the date of the filing of the Complaint.” (Doc. 7-4 at PageID 28).

Plaintiff’s motion is, therefore, DENIED without prejudice. The Court requires additional information and documentation regarding defendant’s debt before it will enter judgment. The Court further cautions plaintiff from merely filing another affidavit listing a damages figure without specifying how much is owed on the principal balance, how much interest accrued on that balance prior to January 16, 2017, and how these figures were calculated.

IT IS SO ORDERED.

Dated: August 30, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 30, 2017, by electronic and/or ordinary mail and also on Maurice Jackson, 29889 Rousseau Drive, Novi, MI 48377.

s/Barbara Radke
Deputy Clerk